

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

No. CR 02-40216 SBA

Plaintiff,

ORDER

v.

[Docket No. 39]

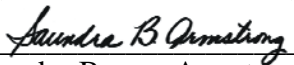
SEAN MICHAEL BREEN,

Defendant.

Before the Court is plaintiff United States of America's October 19, 2005 Motion to Unseal its Sentencing Memorandum Filed on February 3, 2004 (the "Motion") [Docket No. 39]. In it, the government seeks to unseal its sentencing memorandum and motion for downward departure [Docket No. 29] for use as evidence in *United States v. Mofrad*, CR 05-00526 SBA, in which defendant Sean Michael Breen could have been called to testify. *See* Mot. at 1:24-28. On November 22, 2005, the Court ordered Breen to file a response to the Motion within ten days, and allowed the government to reply within five days of the response. *See* Docket No. 40. However, the Court has received no response to this Order. Further, *Mofrad* was terminated on February 9, 2006, and defendant Mofrad was committed to custody. *See* Docket Nos. 43-44 in 05-00526. ACCORDINGLY, the Court DENIES the Motion as moot.

IT IS SO ORDERED.

September 5, 2008


Saundra Brown Armstrong
United States District Judge